

## **EXHIBIT F**

**In The Matter Of:**

*Ernest Richards, II and Rick Richards v.  
Octane Environmental, LLC, et al.*

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*David Alvarez  
October 27, 2020*

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*WV Depos  
2413 East Pike Street, Suite 119  
Clarksburg, West Virginia 26301*

Original File David Alvarez.prn

**Min-U-Script® with Word Index**

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## APPEARANCES

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ALSO PRESENT:  
Terence Seikel  
Joseph Seikel  
Michael Cardi, Esquire

DEPOSITION OF DAVID ALVAREZ

WV Depos  
304-566-7800

WV Depos  
304-566-7800

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Row	Bar Length (approx. %)
1	55
2	85
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4	95
5	95
6	60
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9	75
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1 [REDACTED]  
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21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]

Page 10

1 Q. Okay. And then you mentioned you're also  
2 involved in the logistics for the oil and gas industry.  
3 Is that Energy Transportation?  
4 A. That would be correct.  
5 Q. Okay. And then Energy Resource Group, does  
6 that also fall underneath that realm?  
7 A. That's not a company that I own.  
8 Q. Okay, okay. As I understand it, Jason  
9 Henderson, he's the owner of that company. Is that  
10 correct?  
11 A. That is correct.  
12 Q. At any point in time, did you have any  
13 ownership interest in that company?  
14 A. No.  
15 Q. Okay. Mr. Alvarez, do you know who Craig  
16 Stacy is?  
17 A. I do not.  
18 Q. Okay. Ever hear that name before?  
19 A. Not that I recall. But I see a lot of people  
20 in my daily travels.  
21 Q. I understand.  
22 How about --  
23 A. But --  
24 Q. I'm sorry, sir. I interrupted you. Go ahead.

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1 A. Okay. No. Go ahead.  
2 Q. Do you know Terence Seikel?  
3 A. I think I met him a couple of times at my  
4 restaurant. But do I know him? I don't believe. I  
5 mean, in passing.  
6 Q. Okay. Do you remember when you saw him at  
7 your restaurant?  
8 A. No. I guess be more specific, because --  
9 Q. Do you remember what year --  
10 A. -- I think I saw him, you know, the last -- in  
11 the last -- and there again, it would be speculative to  
12 answer it, but I saw him a while back recently, maybe in  
13 the last year, but I don't -- I don't recall. Said  
14 hello.  
15 Q. Do you remember when you met him the first  
16 time?  
17 A. I don't -- I mean, I remember meeting him at  
18 the restaurant, but don't really recall the details.  
19 Q. It's been told to me that your all's meeting  
20 happened around May of 2018. Does that sound about  
21 right?  
22 MR. CARDI: Object to form.  
23 A. There again, I mean, I don't know the date or  
24 whatever. I see -- I see lots of people at my

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1 restaurant.  
2 Q. I understand.  
3 This first time that you met Terence Seikel,  
4 do you remember what was discussed?  
5 A. We talked about the industry, as I recall.  
6 Q. Okay.  
7 A. But --  
8 Q. When did -- my apologies, sir. I interrupted  
9 you again.  
10 A. No, no. You're good.  
11 Q. So you talked about the oil and gas industry?  
12 A. I would assume. But there again, I don't even  
13 -- don't remember the exact time, but I do recall having  
14 met Mr. Seikel.  
15 Q. Do you remember who else was with Mr. Seikel  
16 when this first meeting happened?  
17 A. I'm not 100 percent sure, but I think maybe  
18 Rick Richards, but I don't know if there was anyone else  
19 there.  
20 Q. Okay. Do you think it was Rick that  
21 introduced you two?  
22 A. There again, I don't recall. I don't remember  
23 if I met Mr. Seikel previous to that or that time.  
24 There again, I see a lot of people.

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1 Q. I understand, I understand. And I'm not here  
2 to really test the strength of your memory, because I  
3 know we're talking about things that happened over  
4 two years ago, so if you don't recall, that's perfectly  
5 fine. I just want to see what you do remember.

6 With that being said, during this meeting when  
7 you met Terence Seikel, at any point in time, did you  
8 tell him that you would like to talk to him because you  
9 might be interested in purchasing Octane Environmental?

10 A. I don't know if it would be stated exactly  
11 like that. But most everybody that comes into a  
12 restaurant in the evening and knows you're in the oil  
13 and gas business wants to boast about what they're doing  
14 and you're doing.

15 And at the end of the day, at that point in  
16 time, I don't recall the exact discussions, but it  
17 could've happened, whether he was talking to me or vice  
18 versa.

19 Q. Okay. So do you have any specific  
20 recollection -- and obviously, it didn't have to be  
21 these exact words. But do you have any recollection of  
22 telling Mr. Seikel that you might be interested in  
23 purchased Octane?

24 A. I think that that could've happened. I mean,

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1 at the end of the day, we -- we're in that space and I  
2 believe -- and I'm not sure -- we might have been buying  
3 containment from Octane.

4 Q. Are you talking about ASTs, aboveground  
5 storage tanks?

6 A. I'm just talking about containments for  
7 smaller -- like a frac tank or containments related to  
8 -- we call them bird baths. You have to put them under  
9 equipment when it's running in case there's oil dripping  
10 or something, but I believe that we bought some from  
11 him, but there again --

12 Q. You said we bought some. I assume that's one  
13 of your companies?

14 A. Either Applied Construction or maybe Energy  
15 Transportation.

16 Q. Okay. I think I may have already asked you  
17 this. But do you know how many times you have actually  
18 talked to Terence Seikel?

19 A. I think I could probably count them on less  
20 than one hand.

21 Q. Okay. So two, maybe three times?

22 A. Less than five.

23 Q. Okay. Aside from possibly discussing a sale  
24 of Octane or just the oil and gas industry, do you

Page 15

1 remember anything else about the conversations that you  
2 had with Terence Seikel?

3 A. There again, if you're saying it's back in  
4 '17, I'd have to -- to be honest with you, if Terry or  
5 Terence walked in the room, you'd have to point him out  
6 to me right now. I can't get a recollection of his  
7 face.

8 Q. Fair enough, fair enough.

9 How about Joseph Seikel, have you ever met  
10 him?

11 A. Maybe. But there again, I meet a lot of  
12 people.

13 Q. Okay. Do you have any recollection of meeting  
14 Joseph Seikel?

15 A. Not as I sit here today.

16 Q. Okay.

17 A. Maybe back to your other question, I might  
18 have been at the restaurant under the influence of  
19 alcohol.

20 Q. I understand. Sometimes that hinders our  
21 memory, right?

22 A. I don't -- I'm just kidding. I just --

23 Q. [REDACTED]  
[REDACTED]

Page 16

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

10 Q. Did you and Rick ever discuss him coming to  
11 work for Energy Resource Group?

12 A. I don't believe that I had discussed with him  
13 Energy Resource Group, but there again, that's Jason  
14 Henderson's company. I could've maybe been at a meeting  
15 where -- like a -- at the -- like say at the restaurant  
16 where Jason has introduced me to Rick, because I don't  
17 even recall the first time that I met Rick, so it was  
18 either with Terence or one other time.

19 But you know, at the end of the day, I  
20 wouldn't be representing Energy Resource Group for  
21 Jason.

22 [REDACTED]  
[REDACTED]  
[REDACTED]

Page 19

1 [REDACTED]  
[REDACTED]

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Page 21

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 Q. And again, she just said, he just told them  
6 that he supported work in West Virginia and that if they  
7 wanted to come work for him he was just explaining that  
8 he had jobs available for them if they wanted to come  
9 work there. So does that sound like something that you  
10 might have said?  
11 A. In a generalized form, you know, I like  
12 employing people in West Virginia and I do care about  
13 West Virginia. I don't believe that I was hiring those  
14 people. I think ERG was hiring them, and to the tense  
15 that come work is I had projects that I was, you know,  
16 subcontracting to ERG -- and not really subcontracting,  
17 providing labor on.  
18 Q. Okay. So you weren't offering them a job at  
19 ERG; is that what you're saying?  
20 A. No. Because I didn't own ERG.  
21 Q. Okay.  
22 A. But I was more supporting my CFO, who's -- I  
23 don't know if you know -- is handicapped and you know,  
24 just being positive to whatever his decision was there

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1 to, you know, start a company, which I believe he  
2 started earlier to this date, but I don't know the exact  
3 dates.  
4 Q. You said you were supporting your CFO. You're  
5 talking about Jason, correct?  
6 A. Correct.  
7 Q. Why did you say your CFO?  
8 A. Well, so he is the CFO of Energy  
9 Transportation.  
10 Q. Okay.  
11 A. And if you look at my history, I like to see  
12 people be entrepreneurial and I encourage people to  
13 start businesses.  
14 Q. Okay. So you were just providing him the --  
15 basically a pat on the back kind of support, like hey,  
16 I'm here to support you?  
17 A. You know, I look at -- you know, why does  
18 NASCAR put Dupont on the hood of the car, you know, or  
19 why does Dupont put their name on the hood of a car? I  
20 don't know.  
21 I think there's a little bit of value to my  
22 brand in our region, and I'm willing to lend that brand  
23 to somebody like Jason that I believe is a good person.  
24 Q. Okay. I understand that.

Page 23

1 So in essence, by -- you know, you want to  
2 help Jason out by backing him up and you know, saying,  
3 hey, he works for my other company, does a great job, so  
4 I think he'll do that with this company too; is that a  
5 good way to put it?  
6 A. Yeah. To use an example, I own the Wonder Bar  
7 restaurant, but I have a partner that owns 49 percent of  
8 it and manages it. That's a different setup because we  
9 own the real estate, so -- but we -- you know, we have  
10 partners, and we have people that we encourage -- or not  
11 really encourage -- you know, offer our mentoring to.  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]

Page 24

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 Q. Okay. At any point in time, did you ever  
8 represent to anybody that you were an owner or part  
9 owner of Energy Resource Group?  
10 MR. CARDI: Object to form.  
11 A. Not that I recall.  
12 Q. Okay.  
13 A. I think there's a lot of people that make  
14 their own ascertations out of a discussion. But I don't  
15 own the West Virginia Mountaineers, but I feel like I  
16 do, not this past weekend though.  
17 Q. I was going to say, which team, football or  
18 basketball.  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]



Page 25

[REDACTED]

Page 27

[REDACTED]

Page 26

[REDACTED]

Page 28

[REDACTED]

Page 29

[REDACTED]

Page 31

[REDACTED]

Page 30

[REDACTED]

Page 32

[REDACTED]

4 Q. Okay. No. That's fine.

5 You mentioned Travis and Ernie. You said they

6 were employees that worked for a company that does

7 support work for one of your companies.

8 A. Well, it was a company called ET360, and they

9 supported -- that company supported a lot with Applied

10 Construction and/or Energy Transportation and such.

11 Q. Okay. And your involvement with ET360, is

12 that one of your companies?

13 A. I started it with another individual.

14 Ultimately, Jason took it over.

[REDACTED]

Page 33

[REDACTED]

Page 35

[REDACTED]

Page 34

[REDACTED]

Page 36

[REDACTED]

Page 37

[REDACTED]

Page 39

[REDACTED]

Page 38

[REDACTED]

Page 40

[REDACTED]

Page 41

[REDACTED]

Page 43

[REDACTED]

Page 42

1 -----  
2 (Brief break)  
3 -----  
4 BY MR. HOPPER:  
5 Q. Mr. Alvarez, just a couple quick follow-up  
6 questions. I want to make sure I heard something  
7 correctly. I think you stated that you don't and you've  
8 never had an ownership interest in ERG. Did I hear that  
9 correctly?  
10 A. Not to -- yeah, you did. To my knowledge, I  
11 never owned a piece of ERG.  
12 Q. Okay.  
13 A. I've never had a tax return.

[REDACTED]

44

[REDACTED]

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I, AMY C. HARRIS, CCR, Certified Court Reporter and Notary Public within and for the State of West Virginia, duly commissioned and qualified, do hereby certify that the within-named witness was by me first duly sworn to testify to the truth, the whole truth and nothing but the truth in the cause aforesaid; and then testimony then given by the witness was by me reduced to text and recorded by Stenomask; afterwards reduced to transcription under my direction and control; that the foregoing is a true and correct transcription of the testimony given by said witness.

I do further certify that I am not a relative, counsel or attorney of either party, or otherwise interested in the event of this action.

IN WITNESS THEREOF, I have hereunto set my hand  
and affixed my seal of office at Clarksburg, West Virginia,  
on the 1st day of November 2020.

WV Depos  
304-566-7800

ERRATA SHEET

PAGE/LINE	CORRECTION AND REASON FOR CORRECTION
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See attached sheet(s) for additional information:  
YES NO

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2020.

My commission expires:

24